REMARKS

The Specification is amended in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, 37 C.F.R. §§ 1.821-1.825, that accompanied the Office Action mailed June 2, 2006. Applicants request entry of this amendment in adherence with 37 C.F.R. §§1.821 to 1.825. This amendment is accompanied by a floppy disk containing the above named sequences, SEQ ID NOS: 1-17, in computer readable form, and a paper copy of the sequence information which has been printed from the floppy disk.

The information contained in the computer readable disk was prepared through the use of the software program "PatentIn" and is identical to that of the paper copy. This amendment contains no new matter.

Claims 1-32 are pending in the present application with claims 26-28 now being cancelled in this response (having been withdrawn by the Examiner following Applicants' election of Group I).

Applicants acknowledge, with appreciation, the Patent Office's indication that claims 1-23, 25 and 29-32 are allowable.

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for use of the word "5unpaired". In response, Applicants have amended claim 2 to correct the obvious typographical error.

Claim 24 is rejected under 35 U.S.C. §102 for alleged lack of novelty over Backman *et al.* U.S. Patent No. 5,516,663. The Patent Office alleges that Backman *et al.* teach a kit comprising an AP site probe (see second full paragraph, page 4 of the Office Action). As the Examiner notes in the next paragraph of the Office Action, Backman *et al.* does not teach the limitations of claim 1. Accordingly, Applicants respond in part by amendment and in part traverse. Without acquiescing to the propriety of the rejection, Applicants have amended dependent claim 24 to more explicitly provide the limitations that the AP site probe **comprises**

an oligonucleotide NA that hybridizes to a target nucleic acid and a functional tail R comprising a detectable reporter group, said functional tail R attached via a phosphodiester bond of a phosphate group to the 3′ terminal nucleotide of the NA. Support for the amendment is found in original claim 1. No new matter has been introduced.

As the Patent Office correctly notes, Backman *et al.* U.S. Patent No. 5,516,663, does not describe an AP site probe or a kit comprising an AP site probe wherein the AP site probe **comprises an oligonucleotide NA that hybridizes to a target nucleic acid; and a functional tail R comprising a detectable reporter group, said functional tail R attached via a phosphodiester bond of a phosphate group to the 3′ terminal nucleotide of the NA**. In view of the above amendments and comments, Applicants request that this rejection be withdrawn.

Finally, the Examiner has identified a provisional double patenting rejection of the instant claims over co-pending Application No. 11/432,763. Applicant requests that this issue be held in abeyance until entry of all amendments and all subject matter is allowable in the respective applications.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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